

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY DESHUN HEMPHILL
#13484-040,

Defendant.

Case No. 1:07:CR:249-03

HON. GORDON J. QUIST

MEMORANDUM

Defendant Kelly Deshun Hemphill has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

However, the defendant is not eligible for a sentence modification because the mandatory minimum sentence of 240 months was imposed. No lower sentence is statutorily available. Accordingly, Defendant Kelly Deshun Hemphill's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) and for appointment of counsel (docket no. 219) will be denied in a separate Order.

Dated: April 2, 2015

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE